

# **HOUSE . . . . . No. 1735**

---

By Ms. Story of Amherst, petition of Ellen Story relative to consent and counseling for certain pregnant minors. The Judiciary.

---

## **The Commonwealth of Massachusetts**

---

In the Year Two Thousand and Seven.

---

### **AN ACT RELATIVE TO CONSENT AND COUNSELING FOR CERTAIN MINORS.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1       The second paragraph of section 12S of 112 of the General Laws  
2 is hereby amended by striking out the second, third, fourth, fifth,  
3 sixth, and, seventh sentences and inserting in place thereof the  
4 following paragraph:—  
5       If a pregnant woman is less than eighteen years of age and has not  
6 married, no physician may perform an abortion upon her unless the  
7 attending physician has received and made part of the medical  
8 record the written consent of the pregnant woman and:  
9       (1) the written consent of a parent, a legal guardian, a foster  
10 parent, or an adult family member twenty-one years of age or older;  
11 or  
12      (2) the authorization of a judge of the superior court department  
13 of the trial court; or  
14      (3) the pregnant woman has received counseling that includes a  
15 discussion of the alternative choices available to manage the preg-  
16 nancy and the possibility of involving the woman's parents,  
17 guardians, or other adult family member in her decision making, and  
18 has secured written verification of receiving such counseling from:  
19      (a) a psychologist licensed under the provisions of section one  
20 hundred nineteen;  
21      (b) a social worker licensed under the provisions of section one  
22 hundred thirty one;  
23      (c) a physician's assistant registered under the provisions of  
24 section nine F;

25       (d) a certified guidance counselor, as defined by section thirty-eight G of chapter seventy-one;

27       (e) a physician or psychiatrist registered under the provisions of section two;

29       (f) a registered professional nurse licensed under the provisions of section seventy-four;

31       (g) a practical nurse registered under the provisions of section seventy-four A;

33       (h) an ordained clergy member;

34       (i) a teacher certified under the provisions of section thirty-eight G of chapter seventy-one; or

36       (j) a professional with a master's degree in counseling or education.

38       The commissioner of public health shall prescribe a form to verify. Such counseling has occurred and has included a discussion of the alternative choices available to manage the pregnancy and the possibility of involving the woman's parent, guardian, or other adult family member in her decision making.

43       If a pregnant woman less than eighteen years of age has not married and she elects to seek the authorization of a judge of the superior court department of the trial court, the judge shall, upon petition or motion, and after an appropriate hearing, authorize a physician to perform the abortion if said judge determines that the pregnant woman is mature and capable of giving informed consent to the proposed abortion or, if said judge determines that she is not mature, that the performance of an abortion upon her would be in her best interests.